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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,847	11/21/2003	Charles Atchison	030421 (BLL-0129)	1949

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,847

Applicant(s)

ATCHISON, CHARLES

Examiner

Etienne P. LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Status

Claims 1-22 are pending. Claims 1-22 are rejected as detailed below.

Defective Oath or Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either an application data sheet or supplemental oath or declaration.

It does not identify the citizenship of each inventor.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the following:

- (1) a folder including at least one file path
- (2) said current directory including a file name, a create date, a modified date and a file size for files included in said directory
- (s) creating a monitoring report [.....] for said one or more of said file paths

The scope of the invention cannot be determined because it is unclear whether file name, file create date, file modify date and file size is the same file as (1) the file paths in the folder and (2) the file paths in the monitoring report.

Claims 2-15 are rejected for being dependent from a rejected base claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-9, 11-16, 18, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 6,212,512 issued to Barney et al (hereafter Barney), as best examiner is able to ascertain.

Claim 1, 8, 16, 18 and 22:

Barney discloses receiving a folder [list of files and path names, Fig 9A, step 906] including at least one file path specifying a server machine [Fig 3, database server 258] and a directory [col 2, line 60 through column 3, line 5]; for one or more of said file paths in said

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folder: transmitting a query to said server machine requesting current directory data corresponding to said directory, said current directory data including a file name [col 3, line 2], a created date [col 3, line 2], a modified date [version information and timestamp, col 8, lines 19-42] and a file size [col 3, line 2] for files included in said directory; receiving said current directory data from said server machine in response to said query; and storing said server machine, said directory and said current directory data in a monitoring database; creating a monitoring report [running history, col 8, lines 49-60] including said server machine, said directory and said current directory data for said one or more of said file paths; and transmitting said monitoring report to a user.

Claim 2:

Barney discloses adding a new file path to said folder [col 2, lines 31-35]

Claim 3:

Barney discloses removing one of said file paths from said folder [col 9, lines 37-47]

Claim 5:

Barney discloses creating a log file for said current directory data for said one or more of said file paths in response to said storing [col 8, lines 49-60].

Claim 6:

Barney discloses wherein said server machine is a local machine [Fig 1]

Claim 7:

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Barney discloses wherein said server machine is a remote machine and said query is transmitted via a network [Fig 1].

Claim 9:

Barney discloses wherein said presenting includes displaying said current directory data in a user interface screen [Fig 1].

Claims 11-15:

Barney discloses creating a trigger event for said folder, wherein said receiving a folder is in response to said trigger event [col 2, lines 36-38].

Claim 21:

Barney discloses a relational database [abstract]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barney in view of Pub No US 2002/0194358 issued to D'Aviera (hereafter D'Aviera), as best examiner is able to ascertain.

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Claim 4:

Barney discloses the elements of claim 1 as noted above and furthermore discloses updating a recipient list associated with said folder and transmitting said monitoring report to said one or more e-mail addresses included I said recipient list [col 9, lines 37-47] but does not disclose e-mail addresses. D'Aviera discloses e-mail addresses [paragraph 18]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barney to include e-mail address as disclosed by D'Aviera for the purpose of maintaining a privacy list [paragraph 18].

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barney in view of Pub No US 2003/0055844 issued to Rudd et al (hereafter Rudd), as best examiner is able to ascertain.

Claim 10:

Barney discloses the elements of claim 1 as noted above but does not disclose comparing said current directory data to a previous version of said directory data; and transmitting an alert message to said user if a previous file size in said previous version of said directory data is larger than a corresponding said file size in said current directory data. Rudd discloses comparing said current directory data to a previous version of said directory data; and transmitting an alert message to said user if a previous file size in said previous version of said directory data is larger than a corresponding said file size in said current directory data [paragraph 43, Figs 5 and 6]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Barney to include comparing said current directory data to a previous version of said directory data; and transmitting an alert message to said user if a previous file size in said previous version of said directory data is larger than a corresponding said file size in said current directory data as taught by Rudd for the purpose of adjusting the size of the file [paragraph 43]

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barney in view of US Pat No 6,182,222 issued to Oparaji (hereafter Oparaji), as best examiner is able to ascertain.

Claim 17:

Barney discloses the elements of claim 16 as noted above but does not disclose wherein said application software is written in visual basic. Oparaji discloses wherein said application software is written in visual basic [col 5, lines 50-60]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barney to include wherein said application software is written in visual basic as taught by Oparaji for the purpose of using a well-known programming language for programming the system application [col 5, lines 50-60].

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barney.

Claims 19 and 20:

Barney discloses the elements of claim 16 as noted above but does not disclose the internet or intranet. Official Notice is taken that the internet and intranet are well-known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify

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Barney to include the internet and the intranet for the purpose using a well-known communications network system

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Etienne LeRoux

5/31/2006

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', is written over the printed name and date.